	Application No.	Applicant(s)	
Notice of Allowability	10/771,020	JANIK ET AL.	
	Examiner	Art Unit	
	Hoa Q. Pham	. 2877	
The MAILING DATE of this communication appearance All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSE or other appropriate cor IGHTS. This application	D in this application. If not included nmunication will be mailed in due course. THI	S ative
1. This communication is responsive to the amendment filed	on 1/15/07.		
2. The allowed claim(s) is/are <u>1-10 and 13-20</u> .		·	
<ol> <li>Acknowledgment is made of a claim for foreign priority una)</li></ol>	been received. been received in Applic	ation No	€
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to IENT of this application.	file a reply complying with the requirements	
4. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give	itted. Note the attached les reason(s) why the oat	EXAMINER'S AMENDMENT or NOTICE OF nor declaration is deficient.	•
5. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.		
(a) I including changes required by the Notice of Draftspers		view ( PTO-948) attached	
1) 🗌 hereto or 2) 🗍 to Paper No./Mail Date		· ·	
<ul><li>(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date</li></ul>	s Amendment / Commen	t or in the Office action of	
Identifying indicia such as the application number (see 37 CFR 1, each sheet. Replacement sheet(s) should be labeled as such in the	.84(c)) should be written o he header according to 37	on the drawings in the front (not the back) of CFR 1.121(d).	
6. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT I	sit of BIOLOGICAL MA FOR THE DEPOSIT OF	ATERIAL must be submitted. Note the BIOLOGICAL MATERIAL.	
Attachment(s)			
1. Notice of References Cited (PTO-892)		f Informal Patent Application	
2. Notice of Draftperson's Patent Drawing Review (PTO-948)		v Summary (PTO-413), vo./Mail Date	
Information Disclosure Statements (PTO/SB/08),     Paper No./Mail Date		er's Amendment/Comment	
4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	•	er's Statement of Reasons for Allowance	
	9.   Other _	<del></del> ·	
		· .	

## **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance:

There was no prior art found by the examiner that suggested modification or combination with the cited art so as to satisfy the combination of all the limitations in claims 1, 9 and 16.

As to claims 1 and 16, the prior art of record, taken alone or in combination, fails to disclose or render limitations "to disclose or render limitations "compiling a database of displacement measurements; examining at least two displacement measurements in the database; correcting at least one displacement measurement for effects of a pattern induced anomaly in the displacement measurements and producing an adjusted database; and deriving the surface characteristics of the substrate from the adjusted database", in combination with the rest of the limitations of claims 1 and 16.

As to claim 9, the prior art of record, taken alone or in combination, fails to disclose or render limitations "directing an incident beam at an inspection grid of points on the substrate where the points are selected so that a reflected beam from each point in the inspection grid has minimal distortion, wherein the incident beam is multiplexed between two wavelengths", in combination with the rest of the limitations of claim 9.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably Art Unit: 2877

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (571) 272-2426. The examiner can normally be reached on 7:30AM to 6 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hoa Q. Pham
Primary Examiner
Art Unit 2877

HP January 25, 2007